

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND  
AMENDMENT FOUNDATION, INC.,

*Plaintiffs,*

VS.

GURBIR S. GREWAL, in his official capacity  
as New Jersey Attorney General, et al.

*Defendants.*

Case No. 1:18-CV-637

**DEFENDANT GURBIR S. GREWAL’S UNOPPOSED MOTION  
FOR ORAL ARGUMENT**

Pursuant to Western District of Texas Local Rule 7(h), Defendant Gurbir S. Grewal, the Attorney General of New Jersey (“NJAG”), through his undersigned counsel, hereby files this Motion for Oral Argument (the “Motion”) pursuant to which the NJAG respectfully requests that this Court hear oral argument on the NJAG’s Motion to Sever and to Transfer Venue, (“Motion to Transfer”) (ECF No. 121). In support of the Motion, the NJAG respectfully represents as follows:

1. On September 28, 2020, this Court held a status conference following remand from the Fifth Circuit concerning this Court's dismissal of Plaintiffs' claims for lack of personal jurisdiction. At that conference, the NJAG through undersigned counsel indicated that he intended to file a motion to transfer the case to New Jersey based upon the decision in the Fifth Circuit and specifically the concurrence of Judge Higginson. In response, Plaintiffs indicated they planned to file a Second Amended Complaint, to which the NJAG could then respond.

2. On November 10, 2020, Plaintiffs filed their Second Amended Complaint, which for the first time named U.S. State Department officials as defendants (collectively Federal Defendants).

3. Shortly thereafter, on November 18, 2021, the NJAG filed the instant Motion to Transfer, (ECF No. 121) which argued that Plaintiffs' claims against him should be severed and transferred to the District of New Jersey.

4. The Plaintiffs then filed their opposition to NJAG's Motion to Transfer on January 11, 2021 (ECF No. 135), and the Federal Defendants also filed opposition to NJAG's Motion to Transfer on January 12, 2021 (ECF No. 136). Both briefs argued that neither severance nor transfer of Plaintiffs' claims against the NJAG is warranted.

5. The NJAG filed its reply in support of the Motion to Transfer on February 2, 2021 (ECF NO. 141).

6. On March 29, 2021, the United States Supreme Court denied certiorari review of the Fifth Circuit's personal jurisdiction ruling, which underscores the need for an order severing and transferring Plaintiffs' claims against the NJAG to New Jersey.

7. Based on the complexity of the arguments raised in Plaintiffs' and Federal Defendants' opposition briefs, and because of the importance to New Jersey of having challenges to its State laws heard by local courts, oral argument could be of assistance both to the Court and to the Parties by ensuring maximum clarity as to all Parties' respective positions and allowing the Parties to respond to questions by the Court.

WHEREFORE, the Defendant respectfully requests that this Court: (i) grant the Motion; and (ii) grant any such other and further relief as the Court deems necessary.

DATED: April 5, 2021.

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman LLP

BY: Casey Low  
Ronald Casey Low  
Texas State Bar No. 24041363  
401 Congress Avenue, Suite 1700  
Austin, TX 78701-3797  
Phone: 512.580.9600  
Fax: 512.580.9601  
[casey.low@pillsburylaw.com](mailto:casey.low@pillsburylaw.com)

Kenneth W. Taber (admitted *pro hac vice*)  
Pillsbury Winthrop Shaw Pittman, LLP  
1540 Broadway,  
New York, NY 10036  
212-858-1813  
Fax: 212-858-1500  
[Kenneth.taber@pillsburylaw.com](mailto:Kenneth.taber@pillsburylaw.com)

*Attorneys for Defendant Gurbir S. Grewal*

### **CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for the NJAG conferred with Plaintiffs' counsel and counsel for the State Department Defendants by email to discuss this motion, and both are unopposed.

/s/ Casey Low  
Casey Low

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2021, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Casey Low  
Casey Low